

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Shadman Khan	Team: Squad #12	CCRB Case #: 202002878	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 04/10/2020 6:07 PM	Location of Incident: Front of 201 Madison Street	Precinct: 07	18 Mo. SOL 10/10/2021	EO SOL 5/4/2022	
Date/Time CV Reported Mon, 04/27/2020 10:38 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 04/27/2020 10:38 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Francisco Garcia	19234	952763	PSA 4
2. POM David Porras	08967	939244	PSA 4
3. POM Thomas Cucciniello	19308	962338	PSA 4
4. LT Kenneth Herrarte	00000	941039	PSA 4

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Zachary Palladino	10746	964694	007 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Kenneth Herrarte	Abuse: Lieutenant Kenneth Herrarte stopped § 87(2)(b)	
B.POM Francisco Garcia	Force: Police Officer Francisco Garcia used physical force against § 87(2)(b)	
C.POM David Porras	Force: Police Officer David Porras used physical force against § 87(2)(b)	
D.POM Francisco Garcia	Discourtesy: Police Officer Francisco Garcia spoke discourteously to § 87(2)(b)	
E.POM David Porras	Abuse: Police Officer David Porras searched § 87(2)(b)	
F.POM Francisco Garcia	Force: Police Officer Francisco Garcia used physical force against § 87(2)(b)	
G.POM Thomas Cucciniello	Force: Police Officer Thomas Cucciniello used a taser against § 87(2)(b)	
H.POM David Porras	Discourtesy: Police Officer David Porras spoke discourteously to § 87(2)(b)	
I.POM David Porras	Abuse: Police Officer David Porras threatened § 87(2)(b) with the use of force.	
J.POM David Porras	Discourtesy: Police Officer David Porras spoke discourteously to § 87(2)(b)	

Case Summary

On April 27, 2020, § 87(2)(b) filed this complaint through the Call Processing System.

On April 10, 2020, at approximately 6:07 p.m., in front of 201 Madison Street in Manhattan, § 87(2)(b) was standing at 201 Madison Street in Manhattan when two unmarked vehicles drove by. Lt. Kenneth Herrarte, PO Francisco Garcia, PO Thomas Cucciniello, and PO David Porras from PSA 4 exited the vehicles and approached § 87(2)(b) (**Allegation A: Abuse of Authority – Stop,** § 87(2)(g) PO Garcia grabbed § 87(2)(b) left forearm, placed pressure on the wrist, and bent his hand back (**Allegation B: Force – Physical Force,** § 87(2)(g) PO Porras grabbed § 87(2)(b) right forearm and attempted to pull it behind his back, bent at the wrist (**Allegation C: Force – Physical Force,** § 87(2)(g) § 87(2)(b) told PO Garcia to remove his hand, and PO Garcia responded, “Shut the fuck up” (**Allegation D: Discourtesy – Word,** § 87(2)(g) When § 87(2)(b) attempted to hand his bag to his sister, § 87(2)(b) PO Porras grabbed the bag, opened it, and looked inside (**Allegation E: Abuse of Authority – Search,** § 87(2)(g)

PO Garcia slapped § 87(2)(b) across the left side of his face (**Allegation F: Force – Physical Force,** § 87(2)(g) PO Cucciniello discharged his taser toward § 87(2)(b) stomach area (**Allegation G: Force – Nonlethal restraining device,** § 87(2)(g)). Once § 87(2)(b) fell to the floor, PO Porras pointed a taser to his face and stated, “Put the fucking hands behind the back, or you’re going to get tased in the fucking face. It’s very simple” (**Allegation H: Discourtesy – Word,** § 87(2)(g) (**Allegation I: Abuse of Authority – Threat of Force,** § 87(2)(g) (**Allegation J: Discourtesy: Word,** § 87(2)(g)). § 87(2)(b) was arrested and charged with rioting, resisting arrest, obstructing governmental administration, disorderly conduct, and unlawful possession of marijuana.

The investigation received Body-Worn Camera (BWC) footage (Board Review 15-58) and summarized (Board Review 59-102).

Findings and Recommendations

Allegation (A) Abuse of Authority: Lieutenant Kenneth Herrarte stopped § 87(2)(b)

It is undisputed that on April 10, 2020, at approximately 6:07 p.m., in front of 201 Madison Street in Manhattan, Lt. Herrarte approached § 87(2)(b) with PO Garcia, PO Cucciniello, and PO Porras. Lt. Herrarte informed him he would need to go to the precinct stationhouse.

In § 87(2)(b) statement to the CCRB (Board Review 01), a week prior to the date of incident, PO Porras warned § 87(2)(b) that he had an open warrant, and directed § 87(2)(b) resolved the warrant. § 87(2)(b) reported that he went to an unspecified courthouse and fixed the warrant. At the courthouse, they informed § 87(2)(b) that the situation was alright due to coronavirus. On the date and time of incident, § 87(2)(b) had been standing in front of a deli at the incident location when two unmarked police vehicles stopped, and four officers exited the vehicles. The four officers walked toward § 87(2)(b) and converged on him like he was going to run. PO Porras informed § 87(2)(b) that he had a warrant and would have to go with them. § 87(2)(b) argued that he had the warrant already taken care of but was still told he would have to go with them.

In Lt. Herrarte’s statement to the CCRB (Board Review 04), he stated that he was driving westbound on Madison Street in Manhattan when he first observed § 87(2)(b) standing on the street intersection of Madison Street and Rutgers Street. On the date of incident, Lt. Herrarte had reviewed the DAS system prior to patrol for people who had active warrants and active I-Cards.

The DAS system showed Lt. Herrarte that § 87(2)(b) had an open warrant. Open warrants include photographs of any individual sought by the warrant. Once Lt. Herrarte recognized § 87(2)(b) as a subject of an open warrant, he advised his team, which included PO Garcia in his vehicle and PO Porras and PO Cucciniello in a second vehicle, that they should detain § 87(2)(b). Lt. Herrarte considered § 87(2)(b) to be under arrest the moment he informed his team members that he observed § 87(2)(b). PO Porras, PO Cucciniello, and PO Garcia approached and stopped § 87(2)(b) first, with Lt. Herrarte approaching him afterwards.

Complaint § 87(2)(b) (Board Review 12) show that § 87(2)(b) was stopped on the date of the incident in regards to an active warrant. Lt. Herrarte was the supervising officer on that date.

The investigation received a receipt that stated Warrant § 87(2)(b) was associated with § 87(2)(b). This warrant was cancelled on April 11, 2020, the day after this incident. The receipt does not list the date of issuance. (Board Review 114)

A stop may be conducted when officers have reasonable suspicion that the person is committing, has committed, or about to commit a misdemeanor or penal felony. Patrol Guide 212-11 (Board Review 118).

§ 87(2)(b) and Lt. Herrarte acknowledged that § 87(2)(b) had an open warrant at the approximate time of incident. Although § 87(2)(b) argued that the warrant had been taken care of, the warrant receipt indicated that the warrant was only cancelled the day after this incident. § 87(2)(b)
(g)
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Allegation (B) Force: Police Officer Francisco Garcia used physical force against § 87(2)(b).

Allegation (C) Force: Police Officer David Porras used physical force against § 87(2)(b).

It is undisputed that officers used physical force against § 87(2)(b) in order to place his hands behind his back so that he could be handcuffed.

In § 87(2)(b) statement, he stated that PO Garcia walked toward him and grabbed his left forearm. § 87(2)(b) maintained his arm at his side because he was afraid of what PO Garcia would do if he maneuvered § 87(2)(b) arm behind him. PO Garcia then put pressure on § 87(2)(b) wrist, bending his hand back and causing pain to § 87(2)(b) wrist. § 87(2)(b) (b) did not state if PO Porras grabbed him or used any physical force.

In PO Porras' BWC video (Board Review 16), PO Porras is heard continuously telling § 87(2)(b) that they would have to take him back to the stationhouse to deal with his warrant. At 03m15s, PO Porras and PO Garcia are seen attempting to place § 87(2)(b) hands behind his back by each grabbing one of § 87(2)(b) arm. The officers repeatedly ask § 87(2)(b) to place his hands behind his back, but § 87(2)(b) does not comply with the instructions and argues against his arrest. When PO Porras informs § 87(2)(b) that if he fails to comply then he will be charged with resisting arrest, § 87(2)(b) replies, "There's going to be a resisting arrest," while pulling his arms toward the front of his body. The video does not show either officer successfully maneuvering § 87(2)(b) hands behind his back.

In PO Porras' statement to the CCRB (Board Review 02), he stated that once he approached § 87(2)(b) he informed § 87(2)(b) that there was a bench warrant for his arrest. § 87(2)(b) (b) became agitated and responded to PO Porras in an elevated tone of voice that he refused to go to the

stationhouse. PO Porras believed § 87(2)(b) to be intoxicated based in § 87(2)(b) general behavior but did not observe § 87(2)(b) drinking or smell any alcohol on his breath. For approximately one to two minutes, PO Porras repeatedly urged § 87(2)(b) to comply with instructions and informed him that once they were at the stationhouse, the interaction would be resolved quickly. PO Porras determined that § 87(2)(b) needed to be placed in handcuffs. PO Porras did not recall if he or PO Garcia initiated the handcuffing process. PO Porras grabbed one of § 87(2)(b) hands and attempted to pull the hand behind § 87(2)(b) back, while PO Garcia attempted to do the same with the other hand. § 87(2)(b) pulled his arms forward and moved his body from side to side during this time and resisted arrest. PO Porras also attempted to pull § 87(2)(b) onto the ground in order to make it easier to pull § 87(2)(b) hands behind his back. During this time, a group of four or more people began to gather at the general vicinity and yelled at PO Porras.

In PO Cucciniello's statement to the CCRB (Board Review 03), he stated that once he, PO Porras, and PO Garcia approached § 87(2)(b) PO Garcia and PO Porras informed him that he had an open warrant. § 87(2)(b) denied this and took his phone out while stating that he had made the necessary phone calls for the warrant. PO Garcia and PO Porras both grabbed § 87(2)(b) by the arms, who appeared to tense his muscles and prevented the officers from pulling his arms behind his back. § 87(2)(b) did not do anything other than resist putting his arms behind his back.

According to NYPD Patrol Guide Procedure 221-01: Use of Force (Board Review 121), members-of-service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity of force. In situations in which this is not safe and/or appropriate, members-of-service will use only reasonable force necessary to gain control of the subject. In determining whether force is reasonable, members-of-service should consider multiple circumstances, including actions taken by the subject and actively resisting custody.

PO Porras' BWC video shows § 87(2)(b) refusing to place his hands behind his back and resisting arrest. Additionally, § 87(2)(b) is heard stating, "There's going to be a resisting arrest," as both officers attempt to arrest him. § 87(2)(b) statement, where he stated that despite officers grabbing his hands, he kept his arms toward the side instead of moving it to his back, corroborate the actions depicted in the BWC. Additionally, both PO Porras' and PO Cucciniello's statement regarding what led to the force being used by PO Porras and PO Garcia is also corroborated by the same BWC video. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (D) Discourtesy: Police Officer Francisco Garcia spoke discourteously to § 87(2)(b).

In § 87(2)(b) statement, he stated that he told PO Garcia to remove his hand. When § 87(2)(b)

§ 87(2)(b) stated this toward PO Garcia, he responded, “Shut the fuck up.” § 87(2)(b) argued with PO Garcia, telling him that he could not speak to him like that and to let go of his hand. PO Garcia continued to tell § 87(2)(b) to “shut the fuck up.”

§ 87(2)(g)

Allegation (E) Abuse of Authority: Police Officer David Porras searched § 87(2)(b)

According to § 87(2)(b) after he was informed that he would have to go with the officers and was being held by PO Garcia, he wished to give his property to his sister, § 87(2)(b) which PO Porras permitted and instructed him to do so. § 87(2)(b) unclipped his bag and attempted to hand it to § 87(2)(b). During this time, PO Porras grabbed the bag away from § 87(2)(b) opened it, and looked inside. § 87(2)(b) believed PO Porras saw his cigarettes in the bag but did not explain how he knew this.

The investigation made numerous attempts to obtain a statement from § 87(2)(b) but she failed to appear for a scheduled appointment on July 7, 2020 and did not respond to attempts to contact her via email and telephone.

PO Porras’ BWC video (Board Review 16) showed § 87(2)(b) with a black bag on his back. At 01m46s of the timer, the video shows § 87(2)(b) requesting to give his bag to § 87(2)(b). § 87(2)(b) hands PO Porras the bag. The bag is not seen in the remainder of the video.

PO Garcia’s BWC footage (Board Review 15) shows that PO Garcia was standing in close proximity to PO Porras and § 87(2)(b). While the verbal exchange about the bag is captured on the recording, the recording does not show PO Porras in possession of the bag nor does it depict PO Porras search § 87(2)(b) bag.

In his CCRB statement, PO Porras initially stated that he did not recall if § 87(2)(b) had any bag on his person. PO Porras did not recall if he searched any bags on § 87(2)(b) person. PO Porras recalled that § 87(2)(b) requested his property to be given to someone else, which he refused to allow because it was not in compliance with Departmental policy. PO Porras was shown his BWC video (Board Review 16), which showed § 87(2)(b) giving PO Porras a bag. PO Porras stated that he did not independently recall taking the bag and that he did not recall searching the bag. PO Porras did not recall giving the bag to anyone else on scene.

Although § 87(2)(b) alleged that PO Porras searched his black bag, PO Porras stated that he could not recall whether § 87(2)(b) had a bag in his possession and upon viewing a video that depicted § 87(2)(b) handing him the bag, PO Porras stated that he still had no recollection of the bag and whether he searched it. While BWC footage confirms that § 87(2)(b) handed the bag to PO Porras, the bag is not seen in the camera frame afterwards. § 87(2)(g)

Allegation (F) Force: Police Officer Francisco Garcia used physical force against § 87(2)(b)

According to § 87(2)(b) after PO Porras took § 87(2)(b) bag, PO Garcia slapped him across the left side of his face. PO Cucciniello confirmed that PO Garcia performed this action in his testimony to the CCRB.

In PO Porras' BWC video, at approximately 03m56s, an officer is seen with an open right palm which swings toward the direction of § 87(2)(b). Based on the position of the officer, the investigation determined that the officer who performed this action was PO Garcia.

In PO Cucciniello's BWC video (Board Review 34), PO Garcia is seen slapping § 87(2)(b) in the face using his right hand.

§ 87(2)(g)

Allegation (G) Force: Police Officer Thomas Cucciniello used a taser against § 87(2)(b)

It is undisputed that PO Cucciniello discharged his taser at § 87(2)(b) causing him to fall to the ground. § 87(2)(b) was subsequently placed in handcuffs.

According to § 87(2)(b) after PO Garcia slapped him, § 87(2)(b) responded, "What the fuck," and was immediately shot with a taser by PO Cucciniello. The taser prongs went into § 87(2)(b) stomach area. § 87(2)(b) denied hearing any officers inform him that they intended to use a taser against him. § 87(2)(b) stated that he did not take any actions to resist and did not recall any officers issuing him any commands.

PO Porras' BWC footage (Board Review 16) shows the entirety of the interaction between PO Garcia, PO Cucciniello, and § 87(2)(b). At 01m30s in the recording, PO Porras informs § 87(2)(b) that despite § 87(2)(b) claims, he is still required to resolve the issue with the open warrant at the stationhouse. § 87(2)(b) refuses to comply with the officers' requests to be taken into custody and continues to dispute whether the warrant is active. As noted in the discussion of Allegation B and Allegation C, § 87(2)(b) resists officers' attempts to handcuff him. At 03m40s, there is a struggle between § 87(2)(b) and the officers, though what occurs in the struggle is not immediately clear due to the position of PO Porras' camera. At 03m54s, PO Cucciniello is seen holding a yellow taser with his right hand and points the taser toward § 87(2)(b). He states, "You're gonna get tased," twice. § 87(2)(b) physical actions and position at the time the taser was deployed are not clearly depicted. Immediately afterwards, PO Cucciniello discharges his taser and § 87(2)(b) falls to the floor.

In PO Cucciniello's BWC footage (Board Review 34), at approximately 03m33s, PO Garcia and PO Porras are seen holding § 87(2)(b) hands and they attempt to handcuff § 87(2)(b) by turning his body around. § 87(2)(b) pulls away from both officers, and the officers struggle with § 87(2)(b) by holding him against the window of a deli. PO Porras and PO Garcia attempt to pull § 87(2)(b) downwards, but § 87(2)(b) remains in a standing position while stating, "Get the fuck off my hand." At 03m50s, PO Cucciniello points his taser toward § 87(2)(b) stomach area while stating, "You're gonna get tased," twice. PO Garcia holds § 87(2)(b)'s right arm with his left hand and slaps § 87(2)(b) in the face using his right hand. § 87(2)(b) reacts to this by pulling his left arm upwards and away from PO Porras, which is immediately followed by PO Cucciniello deploying his taser. § 87(2)(b) falls to the floor as soon as the taser is deployed.

In PO Cucciniello's statement to the CCRB, he stated that PO Garcia and PO Porras were not able to pull § 87(2)(b) hands behind his back and struggled for approximately 15 to 20 seconds. PO Cucciniello did not specify how both officers struggled with § 87(2)(b). PO Garcia then slapped § 87(2)(b) in the face with an open hand, causing § 87(2)(b) to stand up straight. PO Cucciniello then stood approximately four feet from § 87(2)(b) and drew his taser. PO

Cucciniello pointed his taser toward § 87(2)(b) and repeatedly stated that he was going to discharge his taser at him. PO Cucciniello then deployed his taser toward § 87(2)(b). PO Cucciniello cycled his taser once for approximately 5 seconds. PO Cucciniello used the taser because he wished to subdue him and had no other viable methods to do so. He stated that the use of pepper spray, an asp, or additional hand strikes were not tactically optimal at the time.

PO Cucciniello's Taser Data Sheet for the date of the incident shows that his taser was used and cycled for five seconds (Board Review 14).

A conducted energy weapon should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or another person(s) present. When feasible, issue a verbal warning consistent with personal safety to the intended subject in conjunction with a laser warning. Patrol Guide Procedure 221-08 (Board Review 115).

All parties agree that PO Cucciniello used his taser against § 87(2)(b) while PO Garcia and PO Porras struggled to place him in handcuffs. As shown in PO Porras' and PO Cucciniello's BWC videos, § 87(2)(b) resisted both PO Garcia and PO Porras during the arrest and even stated, "There's going to be a resisting arrest." § 87(2)(b) refused to place his hands behind his back and continued to keep them at his side despite PO Garcia's and PO Porras' physical attempts to pull the arms behind his back. § 87(2)(b) refusal to place his hands behind his back by resisting the officers' physical attempts to do so constitutes active resistance. § 87(2)(g)

§ 87(2)(b) As PO Cucciniello explained, the use of an asp, mace, or hand strikes were not tactically viable due to the circumstances. As per Patrol Guide Procedure 221-08, an officer should provide verbal warnings when possible before using a taser to gain control of an individual who is actively resisting. § 87(2)(g)

Allegation (H) Discourtesy: Police Officer David Porras spoke discourteously to § 87(2)(b).

Allegation (I) Abuse of Authority: Police Officer David Porras threatened § 87(2)(b) with the use of force.

Allegation (J) Discourtesy: Police Officer David Porras spoke discourteously to § 87(2)(b).

§ 87(2)(b) stated that once he was tased, he quickly fell to the ground. Once on the ground, PO Porras stood over him and pointed another taser in his face. PO Porras stated, "If you don't stop, I'm going to taser you in the face." § 87(2)(b) recalled hearing this statement while he was still being tasered by PO Cucciniello.

In PO Porras' BWC video (Board Review 17), at 04m10s of the timer, PO Porras has a taser held in his left hand and is heard stating, "Put your fucking hands behind the back, or you're going to get tased in the fucking face. It's very simple." Afterwards, between 04m12s and 04m28s, PO Porras continues to hold his taser a few inches away from § 87(2)(b) forehead and directs § 87(2)(b) to put his hand behind his back before putting the taser away. At 04m17s, the red light on the taser shows that the taser is being pointed directly at § 87(2)(b) eye.

In PO Porras' statement to the CCRB, after he and PO Garcia managed to pull § 87(2)(b) onto the ground and PO Cucciniello discharged his taser, § 87(2)(b) continued to struggle for several minutes while he was on the ground. PO Porras drew his taser and pointed his taser toward § 87(2)(b) face from a very close distance. PO Porras only pointed his taser in order to scare § 87(2)(b) into complying with the officers' instructions. PO Porras was concerned that ongoing struggle could lead to injuries to the officers. PO Porras made the statement, "Put your fucking hands behind the back, or you're going to get tased in the fucking face, it's very simple," because his adrenaline was elevated from the ongoing physical struggle he had just engaged in with § 87(2)(b). In addition, PO Porras believed that the specific nature of the threat issued to § 87(2)(b) was more likely to induce § 87(2)(b) to comply with instructions. PO Porras had no intention of discharging the taser into § 87(2)(b) face at the time. PO Porras' taser was the most accessible tool for him during the struggle with § 87(2)(b).

The recommended point of aim for CEW is the lower center mass for frontal discharges and below the neck area for discharges at the suspect's back. Avoid discharging at an individual's head, neck, and chest if, possible. Members should not intentionally discharge two CEWs simultaneously on a subject. Patrol Guide 221-08 (Board Review 115).

The department is committed to treating every citizen with compassion, courtesy, professionalism, and respect. Officers are expected to maintain a higher standard of integrity than is generally expected of others. Patrol Guide Procedure 200-02 (Board Review 119).

In Police Department v. Court, the court held that when an officer uses an impolite word during a stressful encounter where that officer is attempting to gain control of the situation, the officer's profanity does not rise to the level of actionable misconduct. The court identified several elements that constitute a stressful street encounter, including the tense street standoff with an unruly civilian. Police Department v. Court, DAO-DCT No. 79627/04 (Board Review 120).

PO Porras' statement, "Put your hands behind your fucking back," was made in an attempt to have § 87(2)(b) place his hands behind his back so that he could be handcuffed after § 87(2)(b) had resisted the officers in their attempt to place him in handcuffs during the entirety of the interaction. The BWC shows that officers had previously tried to gain § 87(2)(b) compliance by speaking with him at length and by the use of force. PO Porras stated that he believed the specific nature of the threat would induce § 87(2)(b) to comply with instructions. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

PO Porras verbally and physically threatened § 87(2)(b) with the use of force when he pointed his taser at § 87(2)(b) head and said that he would discharge the taser in his face. As such, the investigation must examine whether it would have been permissible for PO Porras to use any force against § 87(2)(b) at the time the threat was made and whether it would have been permissible to use the amount of force that he threatened. As stated in Allegation G, officers are permitted to use their CEW when attempting to gain control of the subject. However, as per Patrol Guide Procedure 221-08, they must avoid using two CEWs simultaneously. The investigation credited from the BWC video footage that when the threat was made, § 87(2)(b) had already been taken to the ground as a result of PO Cucciniello's taser discharge, § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) This is in direct contradiction to PO Porras' action of holding and pointing the taser a few inches from § 87(2)(b) face and purposefully pointing the taser at § 87(2)(b) eye.

§ 87(2)(g)

PO Porras' contemporaneous statements depicted in the BWC seem to indicate — § 87(2)(b) had already been brought to the ground and largely restrained by officers at the time of the threat. § 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- Lt. Herrarte has been a member of service for 15 years and has been a subject in six CCRB complaints and eight allegations, none of which were substantiated. § 87(2)(g)
- PO Garcia had been a member of service for eight years § 87(2)(g) and had been a subject in five CCRB complaints and eight allegations, none of which were substantiated. § 87(2)(g)
- PO Porras has been a member of service for 15 years and has been a subject in nine CCRB complaints and 22 allegations, none of which were substantiated. § 87(2)(g)
- PO Cucciniello has been a member of service for four years, and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of July 14, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (Board Review 122).

§ 87(2)(b)

Squad No.: 12

Investigator: Shadman Khan Investigator Shadman Khan July 28, 2021
Signature Print Title & Name Date

Squad Leader: Carlmais Johnson IM Carlmais Johnson July 28, 2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date